



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 12-1862

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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON
LL LICENSE HOLDINGS, LLC REQUEST FOR ONE ADDITIONAL YEAR TO MEET
TRIBAL LANDS CONSTRUCTION REQUIREMENT**

WT Docket 12-339

Comment Date: December 17, 2012

Reply Comment Date: December 31, 2012

Pursuant to Section 1.925(c) of the Commission's rules,¹ the Wireless Telecommunications Bureau (Bureau) hereby seeks comment on the Extension Request of LL License Holdings, LLC (LL) for one additional year to meet the tribal lands construction requirement for the Rosebud Reservation of the Rosebud Sioux Tribe located in South Dakota (Rosebud Sioux Reservation)² and the Santee Sioux of Nebraska Reservation (Santee Sioux Reservation) located in Nebraska (Request).³

On May 20, 2009, the Commission granted LL the Lower 700 MHz Band A Block licenses for BEA 115, Call Sign WQKH490,⁴ and BEA 116, Call Sign WQKH491⁵ (LL Licenses). LL received a \$402,500 tribal lands bidding credit (TLBC) for Call Sign WQKH490 and a \$488,000 TLBC for Call Sign WQKH491, each amount equal to fifty percent of LL's gross bid for each respective LL License in Auction No. 73.⁶ As a condition of receiving the TLBCs, LL was required to construct and operate "a system capable of serving seventy-five (75) percent of the population of the qualifying tribal land [*i.e.*, for

¹ 47 C.F.R. § 1.925(c).

² ULS File No. 0005204801 (filed May 11, 2012). LL filed an Amendment on October 26, 2012, clarifying that it seeks a one-year extension. ULS File No. 0005204801.

³ ULS File No. 0005204802 (filed May 11, 2012). LL filed an Amendment on October 26, 2012, clarifying that it seeks a one-year extension. ULS File No. 0005204802.

⁴ The license area encompasses portions of Montana, Nebraska, North Dakota, and South Dakota, and including the counties of Butte, Cherry, Meade, Mellette, and Todd. The Rosebud Sioux Reservation lies within Gregory, Lyman, Mellette, Todd, and Tripp Counties. Gregory, Lyman, and Tripp Counties lie in BEA 116, for which LL holds the license for Call Sign WQKH491.

⁵ The license area encompasses portions of Iowa, Minnesota, Nebraska, and South Dakota, including the counties of Gregory, Lyman, Knox, Meade, and Tripp. The Santee Sioux Reservation lies within Knox County.

⁶ See Auction of 700 MHz Band Licenses Closes, Winning Bidders Announced for Auction 73, WT Docket No. 12-69, *Public Notice*, 23 FCC Rcd 4572 (2008); 47 C.F.R. § 1.2110(f)(3)(iv).

each of the Rosebud Sioux Reservation and the Santee Sioux Reservation] for which the credit was awarded.”⁷ LL was required to file a certification for each of the LL Licenses within fifteen (15) days of its tribal lands construction deadline, June 13, 2012,⁸ indicating that it had satisfied its tribal lands construction obligations.⁹

On May 11, 2012, LL filed a request for one additional year to meet the tribal lands construction requirements. LL argues that an extension of each of the LL Licenses’ construction deadlines is warranted due to current unavailability of LTE equipment and devices for use in connection with licenses in the Lower 700 MHz Band A Block stemming from a lack of interoperability with operations in the Lower 700 MHz B and C Blocks.¹⁰ We seek comment on LL’s request.

Procedural Matters

Comments on the request are due **no later than December 16, 2012**. Reply comments are due **no later than December 31, 2012**. All filings should reference the docket number of this proceeding, **WT 12-339**.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple

⁷ 47 C.F.R. § 1.2110(f)(3)(vii).

⁸ See Implementation of the DTV Delay Act, WT Docket No. 06-150, *Second Report and Order and Notice of Proposed Rulemaking*, 24 FCC Rcd 2526 (2009).

⁹ See 47 C.F.R. § 1.2110(f)(3)(vii).

¹⁰ LL cites to Promoting Interoperability in the 700 MHz Commercial Spectrum, WT Docket No. 12-69, *Notice of Proposed Rulemaking*, 27 FCC Rcd. 3521 (2012).

docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

-Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. PLEASE NOTE: The Commission's former filing location at 236 Massachusetts Ave., N.E. is permanently closed.

-Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

-U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this Public Notice are available for viewing via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, **WT 12-339**. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Ms. Amanda Krohn of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-7090, or via e-mail at Amanda.Krohn@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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